

WORK SESSION OF THE GREENBELT CITY COUNCIL held Tuesday, May 21, 2013, to consider the matter of Confidential Information..

Mayor Davis started the meeting at 8:02 p.m. It was held in the Council Room of the Municipal Building.

PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Silke I. Pope, Edward V.J. Putens, Rodney M. Roberts and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager, and David Moran, Assistant City Manager. Robert Manzi arrived at 8:37 pm.

ALSO PRESENT WERE: Bill Orleans, resident and Kathleen Gallagher, News Review

Mayor Davis announced that Council Member Jordan was unable to attend the majority of the meeting. She also stated that the City Solicitor was expected at 8:30 pm.

Mayor Davis provided some background on what had led to this evening's work session. Mr. McLaughlin summarized the materials for the meeting. He discussed a memo from Mr. Manzi explaining that the new draft ordinance defines confidentiality by referring to two sections of State law, the Maryland Public Information Act and Open Meetings Act authorization for executive sessions. Mr. McLaughlin stated that in the event of an alleged confidentiality breach by Council, the City Solicitor would arrange for an investigation. He noted that the penalty for violation by Council had been changed to censure.

Mr. Putens provided a definition of privileged information from the Federal government.

Ms. Mach raised a concern about a report from Verizon with language indicating that it was proprietary

Mr. Roberts stated that most County communications had a statement indicating they were confidential. He questioned how this would be determined.

Mayor Davis asked if email was covered in the ordinance. Mr. McLaughlin responded that email would be considered a written communication.

Mr. Orleans stated that Council was "getting off on the wrong foot". He believed that information discussed by the City government should be open to the public.

Mr. Roberts stated that Council often makes up their mind in Executive Sessions or by email. He stated he had seen the Council do this many times.

Ms. Pope stated that Council doesn't vote at Executive Sessions. She stated that Council was elected to make good decisions on behalf of the citizens.

Ms. Mach suggested language that when someone requests something confidential it must meet the definitions contained in the ordinance.

Mayor Davis stated there was a feeling among some citizens that Council might punish someone for doing the right thing. She suggested possible language for a "whistleblower" clause.

Mr. Putens asked if there were provisions to protect an employee who wanted to report abuse to the City Manager or the City Council.

Mr. Roberts stated the draft ordinance had a major flaw allowing City Council to investigate another Council Member. He suggested that an outside agency needed to do this. Council discussed Mr. Roberts's concern.

Council indicated that the ordinance needed to include language regarding a confidentiality breach by the City Manager.

Council asked staff to revise the ordinance based upon the input at the work session.

The meeting ended at 9:10 p.m.

Respectfully submitted,

*David E. Moran
Assistant City Manager*